

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

WP(C).No. 25043 of 2007(F)

PETITIONER:

**P.K.JOY, S/O.KURUVILA, PAINADATHU
VEEDU, KANNARA P.O., THRISSUR DISTRICT.**

**BY ADV. SRI.V.V.NANDAGOPAL NAMBIAR
SMT.PREEJA. P.VIJAYAN**

RESPONDENTS:

- 1. THE DISTRICT COLLECTOR, CIVIL STATION,
THRISSUR.**
- 2. THE RDO, CIVIL STATION, THRISSUR.**
- 3. THE GEOLOGIST, THRISSUR.**

**BY SR. GOVT. PLEADER, SMT.PUSHPALATHA M.K.
GOVT. PLEADER, SRI.I.V. PRAMOD, R2**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

ANTONY DOMINIC, J.

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W.P. (C) No. 25043 OF 2007 F
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Dated this the 31st October, 2007

J U D G M E N T

Ext. P8 order of the Geologist is under challenge. Petitioner who was issued a permit had applied for its renewal and Ext. P8 is the reply that is issued by the 3rd respondent. In Ext. P8 the 3rd respondent makes reference to the complaints against the petitioner that were received by the District Collector. It also says that resolution was passed by the Panchayat and a complaint was lodged by a society. On the basis of directions of the District Collector, a report has been made to him and that once favourable orders are passed by the District Collector, the application of the petitioner will be considered.

2. I find force in the submission of the learned counsel for the petitioner that it is for the Geologist to consider the application, he being the designated authority under the KMMC Rules, 1967. Therefore, the

District Collector or for that matter any other authority cannot dictate the manner in which the statutory authority - 3rd respondent - is to exercise its powers.

3. If that be so, the manner in which the application of the petitioner for renewal has been dealt with cannot be approved. Therefore, I dispose of this writ petition directing that the 3rd respondent shall independently consider the application of the petitioner on its merits and pass orders. Needless to say that it will be open to the 3rd respondent to take into account whatever relevant circumstances that are prevailing while considering the application of the petitioner. Orders on the application shall be passed within four weeks of receipt of a copy of this judgment.

Petitioner shall produce a copy of this judgment before the 3rd respondent for compliance.

**ANTONY DOMINIC
JUDGE**

jan/-